

2nd District- Farmington
DAVIS COUNTY, STATE OF UTAH

ALMA RODRIGUEZ vs. TARGET CORPORATION

CASE NUMBER 210700936 Premises Liability

CURRENT ASSIGNED JUDGE
MICHAEL EDWARDS

PARTIES

Plaintiff - ALMA RODRIGUEZ
Represented by: LENA DAGGS
Represented by: NATHAN MORRIS

Defendant - TARGET CORPORATION

Guardian - ALMA RODRIGUEZ
Represented by: LENA DAGGS
Represented by: NATHAN MORRIS

ACCOUNT SUMMARY

Total Revenue Amount Due:	625.00
Amount Paid:	625.00
Amount Credit:	0.00
Balance:	0.00
REVENUE DETAIL - TYPE: COMPLAINT - NO AMT S	
Original Amount Due:	375.00
Amended Amount Due:	375.00
Amount Paid:	375.00
Amount Credit:	0.00
Balance:	0.00

REVENUE DETAIL - TYPE: JURY DEMAND - CIVIL	
Original Amount Due:	250.00
Amended Amount Due:	250.00
Amount Paid:	250.00
Amount Credit:	0.00
Balance:	0.00

CASE NOTE

PROCEEDINGS

12-14-2021 Filed: Complaint and Jury Demand (Tier 3)
12-14-2021 Case filed by efiler
12-14-2021 Fee Account created Total Due: 375.00
12-14-2021 Fee Account created
12-14-2021 Fee Account created Total Due: 250.00
12-14-2021 Fee Account created
12-14-2021 COMPLAINT - NO AMT S 375.00

12-14-2021 JURY DEMAND - CIVIL 250.00
12-14-2021 Judge MICHAEL EDWARDS assigned.
12-14-2021 Filed: Return of Electronic Notification
12-20-2021 Filed return: Summons on Return Target Corporation upon DANI
SNOW, AUTHORIZED for
Party Served: TARGET CORPORATION
Service Type: Personal
Service Date: December 16, 2021
Garnishee:
12-20-2021 Filed: Return of Electronic Notification

If you do not respond to this document within
applicable time limits, judgment could be
entered against you as requested.

Nathan S. Morris (#9431)
Lena Daggs (#13666)
EISENBERG CUTT KENDELL & OLSON
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nmorris@eckolaw.com
Attorneys for Plaintiff

**IN THE SECOND DISTRICT COURT IN AND OF
DAVIS COUNTY, STATE OF UTAH**

ALMA RODRIGUEZ, personally and as
guardian of S.R., a minor,

Plaintiff,

vs

TARGET CORPORATION,

Defendant.

**COMPLAINT AND JURY DEMAND
(TIER THREE)**

Plaintiff, by and through counsel, hereby complains against the above-captioned Defendant
as follows:

PARTIES, JURISDICTION, & VENUE

1. Plaintiff and S.R. reside in Davis County, State of Utah. S.R. is a minor. S.R.'s
date of birth is xx/xx/2005.

2. Defendant Target Corporation ("Target") maintains a place of business in Davis
County, State of Utah, but has its headquarters in Minnesota.

3. The incident giving rise to this Complaint took place in Davis County, Utah.

4. This Court has jurisdiction in this action pursuant to Utah Code § 78A-5-102 and Utah Code § 63G-7-501.

5. Venue is proper before this Court pursuant to Utah Code § 78B-3-307.

GENERAL ALLEGATIONS

6. At all times pertinent, Defendant owned and operated a Target store in Centerville, Utah (“Target”).

7. On June 18, 2019, S.R., then 13 years old, had been shopping at Target.

8. S.R. left the store after making her purchase and was riding her bicycle.

9. S.R. rode her bicycle behind Target by way of attempting to leave.

10. She approached an open gate behind Target.

11. It appeared to S.R. that the pathway was level and provided a straight pathway to ride through.

12. S.R. rode her bicycle past the gate, and suddenly without warning, went over an approximate 5-foot drop into Target’s back loading dock area.

13. S.R. suffered serious injuries as a result of her fall.

14. S.R. suffered injuries to her neck, back, shoulders, right arm, right knee, face and head.

FIRST CLAIM FOR RELIEF **(Negligence)**

15. Plaintiff incorporates all preceding paragraphs herein and further alleges the following:

16. Defendant owed Plaintiff and S.R. a duty to exercise reasonable care with respect to the premises.

17. Defendant breached its duties in one or more of the following ways:
 - a. Failing to maintain the premises in a safe condition;
 - b. Failing to adequately inspect the premises;
 - c. Leaving the loading gate open on the premises;
 - d. Failing to provide warning of the unsafe condition of the premises, namely the five-foot drop near the loading dock; and
 - e. Any other acts and/or omissions that may later be discovered.
18. Defendant's breaches were a direct and proximate cause of Plaintiff's and S.R.'s injuries.

SECOND CLAIM FOR RELIEF
(Premises Liability and Non-Delegable Duty)

19. Plaintiff incorporates all preceding paragraphs herein and further alleges the following:
20. Defendant was the owner and possessor of the premises, Target, and therefore owed non-delegable duties to make the premises safe and breached those duties to make the premises reasonably safe as set forth above.
21. S.R. was an invitee in Target.
22. Defendant knew of or by the exercise of reasonable care would have discovered the dangerous condition of the premises.
23. Defendant should have realized that the dangerous condition involved an unreasonable risk of harm to S.R.
24. Defendant should have expected that S.R. would not discover or realize the dangerous condition of the premises or would fail to protect herself against the condition.

25. Defendant failed to exercise reasonable care to protect or warn S.R. from the condition.

26. Defendant's failures were a direct and proximate cause of S.R.'s injuries and damages.

THIRD CLAIM FOR RELIEF
(Vicarious Liability)

27. Plaintiff incorporates all preceding paragraphs herein and further alleges the following:

28. At all time pertinent, Defendant acted through its employees, owners, and officers while in the course and scope of their employment for Defendant.

29. Under the theory of respondeat superior, Defendant is vicariously liable for the conduct of its employees, owners and officers.

DAMAGES

30. Plaintiff incorporates by reference all preceding paragraphs herein and further alleges the following:

31. As a direct and proximate result of Defendant's wrongful acts, omissions, and negligence, S.R. incurred past and future medical expenses in an amount to be proven at trial.

32. As a direct and proximate result of Defendant's wrongful acts, omissions and negligence, S.R. experienced and will experience physical, mental, and emotional pain and suffering; loss of enjoyment of life; impairment; disability; disfigurement; scarring; and other non-economic damages in an amount to be proven at trial.

33. As a direct and proximate result of Defendant's wrongful acts, omissions, and negligence, S.R. has suffered and will suffer a loss of wages, earning capacity, household services and other economic damages in amounts to be proven at trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment against Defendant in an amount to be determined by the trier of fact for the following damages, which will be sufficient to satisfy the Tier Three requirements of the Utah Rules of Civil Procedure:

- a. For economic damages in an amount to be determined at trial;
- b. For non-economic damages in an amount to be determined at trial;
- c. For costs, interests, and attorney fees to the extent allowed by law; and
- d. For such further relief as the Court deems appropriate.

JURY DEMAND

Plaintiff demands a jury trial of all issues that may be tried of right by a jury.

DATED this 14th day of December, 2021.

EISENBERG CUTT KENDELL & OLSON

/s/ Nathan Morris

Nathan Morris

Lena Daggs

Attorney for Plaintiff

SERVED
DATE 12/16/2021 RELATION
TIME 10:08
NO. W876
WASATCH ATTORNEY SERVICES #P100877
124 W. 400 S. #7
SALT LAKE CITY, UT 84115 800-970-8220

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Lena Daggs (#13666)
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ALMA RODRIGUEZ, personally and as
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SUMMONS

Case No. 210700936

Judge: Michael Edwards

THE STATE OF UTAH TO THE BELOW NAMED DEFENDANT:

TARGET CORPORATION
Registered Agent: CT Corporation System
1108 E. South Union Avenue
Midvale, Utah 84047

You are hereby summoned and required to file an answer in writing to the attached
Complaint with the Clerk of the above-entitled Court at Court Clerk, Second District Court, 800
West State Street, Farmington, Utah 84025, and to serve upon or mail to Eisenberg, Cutt,

Kendell & Olson, Plaintiff's attorney, 900 Parkside Tower, 215 South State Street, Salt Lake City, UT 84111, a copy of said answer within 21 days after service of this Summons upon you.

If you fail to do so, judgment by default will be taken against you for the relief demanded in said Complaint, which has been filed with the Clerk of said Court and a copy of which is hereby annexed and herewith served upon you.

DATED this 14th day of December, 2021.

EISENBERG, CUTT, KENDELL & OLSON

/s/ Jacquelynn D. Carmichael

Jacquelynn D. Carmichael
Attorneys for Plaintiff